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Timothy N. Trop
TROP, PRUNER & HU, P.C.
STE 100
8554 KATY FWY
HOUSTON, TX 77024-1805

EXAMINER

GILMAN, ALEXANDER

ART UNIT	PAPER NUMBER
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2833

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 03252004

Application Number: 10/039,015
Filing Date: January 02, 2002
Appellant(s): COLLINS, PAUL S.

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/23/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(3) Status of Claims

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement regarding grouping of claims.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

6,375,479	Johnson et al	04/23/2002
5,536,180	Ishida et al	07/16/1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Ishida et al

With regard to claims 1 and 2, Johnson et al (US 6,375,479) disclose a personal computer card (14) comprising:

*an extensible antenna (Abstract, lines 12-14);
a coil spring (92); and
a track (col. 11, lines 58-62) laterally displaced with respect to the coil spring.
a catch (102) that retains the antenna (part of 24) in the retracted position,*

With regard to claim 16, Johnson et al disclose a traveler (24) comprising:

*an antenna (Abstract, lines 12-14);
a coil spring (92).*

Johnson et al explicitly do not disclose that a track engaging element (102) forms a spring, particularly a cantilevered leaf spring.

Ishida et al (US 5,536,180) disclose (col. 3, lines 63-67 – col. 4, lines 1-8). the catch being spring biasing by cantilevered leaf spring (28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Johnson et al catch as spring biasing by cantilevered leaf spring (28)

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as taught by Ishida et al , to prevent any jam in a case of a small inclination of the traveler (24) from a linear movement.

With regard to claim 10, Johnson et al when modified by Ishida et al disclose (Fig. 10) the traveler (24) that mounts said antenna.

With regard to claims 11-13, Johnson et al when modified by Ishida et disclose (Johnson et al) the structural features of the computer card which is operated according to method steps claimed.

With regard to claims 14 and 15, Johnson et al when modified by Ishida et disclose (Johnson et al) that the antenna moves approximately 27 mm (col. 7, lines 35-39 and Fig., 2-3).

With regard to claim 17, Johnson et al when modified by Ishida et a disclose (Johnson et al) track engaging element (98, 90) having U-shaped portion

(11) Response to Argument

With regard to claims 1, 11, 16, Appellant seems to agree that the primary reference (Johnson et al) meets the most of the limitations except for the catch being spring biased.

With regard to claim 1, Appellant argues (Appeal, p. 5, lines 14) that the catch of the secondary reference (Ishida et al, spring member 28) does not retain any antenna in a retracted position, since the cam mechanism of Ishida et al is related to PC card. According to Appellant, since the catch (spring member -28) of Ishida et al is used for locking the ejector button section (20) of the ejector mechanism, Ishida et al do not suggest "locking effect on any antenna, much less to lock the PC card" (Appeal, p. 6, lines 4-5).

With regard to claim 11, Appellant argues (Appeal, p. 6, lines 10-11) that "in Ishida et al, the biased spring element 28 does not control position of the antenna as it rides in the track, it locks the position of the button".

Examiner respectfully submits that, first of all, the catch (102) of the primary reference (Johnson et al), is spring biased (col. 12, lines 37-41

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Secondly, the catch (102) of the primary reference (Johnson et al, Fig. 9) inherently possesses spring properties (being a cantilever beam) to prevent any jam in the event of a small inclination of the traveler (24) with the antenna from a linear movement (see Office action, dated 11/14/2002).

The secondary reference (Ishida et al) is used since Johnson et al does not explicitly disclose that a track engaging element (102) forms a cantilevered leaf spring. Ishida et al disclose (col. 3, lines 63-67 - col. 4, lines 1-8) the catch forming cantilevered leaf spring (28) being spring biased. In the rejection, Ishida is applied as a secondary reference teaching the spring catch to modify the primary reference (Johnson et al) which teaches the antenna being engaged with a catch. Ishida is relied upon solely for the teaching that a catch may be spring biased by a cantilevered leaf spring

The modification of the Johnson catch by making it as a spring for preventing jam in operation is seen to be proper since the catches of Johnson et al and Ishida both are used in the same type of cam mechanism. The primary reference (Johnson et al) with antenna, when modified by explicitly suggesting the leaf spring cam follower, meets all of the limitations claimed.

With regard to claim 16, Appellant argues (Appeal, p. 6, lines 18-19) that in Ishida et al, the "track engaging element (28) simply locks the button or unlocks the button, but has no guiding function" .

However, Ishida et al disclose the cam mechanism with "the follower end 30 of the line spring 28 slidably engages with the cam channel 58 (col. 4, lines 66-67). This Ishida et al cam mechanism structure of the first cam section operates similarly to the cam mechanisms of the claimed inventions and the Johnson et al. The track engaging element (28) guides movement of the ejector button section 20 of the ejector (the lower part of Fig. 9 and col. 5, lines 15-17). To lock or unlock the button Ishida's track engaging element (28) guides the ejector button section 20 to the specified fixed positions.

For the above reasons, it is believed that the rejections should be sustained.

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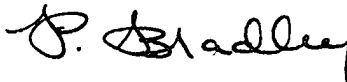
Respectfully submitted,

March 29, 2004

Alexander Gilman, Examiner

 **ALEXANDER GILMAN**
PRIMARY EXAMINER

Paula A. Bradley, SPE 2833



Olik Chaudhuri, SPE 2823 *OC*

P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Timothy N. Trop
TROP, PRUNER & HU, P.C.
STE 100
8554 KATY FWY
HOUSTON, TX 77024-1805